

## REMARKS

Claims 1-44 are pending and at issue in the application with claims 1 and 24 being independent claims. Claims 1 and 24 have been amended. No claims have been added or cancelled. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The action rejects claims 1, 2, 4, 5, 7-10, 15, 17, 19, 22-25, 27, 28, 30-34, 36, 42 and 43 under 35 U.S.C. §102(a) as anticipated by Nixon et al. (U.S. Appl. Pub. 2002/0077711). The action further rejects claims 3, 6, 11-14, 16, 18-22, 26, 29, 35, 37-40, 41 and 44 as unpatentable over Nixon et al. in view of one of Spriggs et al. (U.S. Patent No. 6,889,096), Kall et al. (U.S. Appl. Pub. 2003/0149608) or Latzel (U.S. Appl. Pub. 2004/0230897). The applicants respectfully traverse the rejections in light of amendments above and the remarks below.

Each of claims 1-44 recites a remote data viewing system or a method of viewing entity data collected or generated by a plurality of data source applications. The system or method includes a display of a navigational tree and a display view. The navigational tree includes selectable sections specifying different categories of entity data. Entity data associated with a selected section is presented in the display view in a predetermined format, which is a common display format for presenting entity data of each of the sections, such that the entity data is displayed in the same format without presenting the same type of entity data in multiple different display formats. At least some of the data source applications each presents the entity data in different viewing formats. In response to the action, and with particular reference to the action's Response to Arguments beginning on page 27, the applicants make the following remarks.

Simply put, the cited portions of Nixon et al. do not disclose or suggest that different data source applications present the entity data in different viewing formats. Moreover, the cited portions of Nixon et al. do not disclose or suggest a display that then presents entity data in a common display format for each of a plurality of sections specifying the different entity data to be displayed in the same format without presenting the same type of entity data in multiple different display formats. Finally, the cited portions of Nixon et al. do not disclose

both a navigational tree and a display view, much less that entity data associated with a selected section of the navigational tree is presented in the display view.

In particular, the portions of Nixon et al. cited in the action, and particularly in the Response to Arguments, do not disclose or suggest that the sources of data present the collected entity data in different viewing formats. The action has cited and highlighted various portions of Nixon et al. relied upon as disclosing “different viewing formats,” portions of which are cited below (see action pages 27-30, emphasis in original):

(paragraph [0040]): If the data collection and distribution system is located in the computer 30, **it may receive data from the disparate sources of data, such as the controllers, equipment monitoring and financial applications separately using different data formats, or using a common format.**

(paragraph [0063]): As illustrated in FIG. 3, **financial data, in the form of financial constraint data and process operation constraint data including, for example, what products must be produced, the quality of the produced products, time deadlines, cost and supply constraints, pricing and valuation data of products made or sold, etc. may be collected at a functional block 239.**

(paragraph [0064]): While the collection and processing of data as described above with respect to FIG. 3 is currently being performed in process control plants, generally speaking, the collected data, i.e., the process control data, **the process monitoring data, and the equipment monitoring data is provided to different people, is collected and used in different formats and is used by completely different applications for different purposes.** Thus, as explained above, some of this data may be **measured or developed by service organizations who use applications that are proprietary and not compatible with rest of the process control system.** Likewise, **data collected by or generated by financial applications typically used in a process control environment may not be in a format or protocol recognizable or useable by process control or alarming applications.**

(paragraph [0069]): The application 244 receives inputs from other applications within the suite 50 and **may enable a user to view the raw data 201, 202 and 203, may enable a user to go from screen to screen to view different parts or aspects of the plant 10 based on the raw data or processed data, may enable a user to view processed data, such as data generated by the equipment condition, process monitoring**

**or performance monitoring applications 222, 208 and 231  
the process models 214, the equipment or process diagnostic  
applications 224 and 210, or data generated by other  
applications within the asset utilization suite 50.**

The only thing that the action has done in citing these portions of Nixon et al., is demonstrate that Nixon et al. discloses different applications, and different types of data or different data formats. It cannot be stated more clearly: **these are not different viewing formats.**

Paragraph [0040] simply discloses different sources of data that use different data formats. Data format is not the same as viewing formats. It says nothing about the manner in which the data is displayed by each data source.

Paragraph [0063] simply discloses different types of data (e.g., financial data, financial constraint data, process operation constraint data, etc.). Different types of data is not the same as different viewing formats, and it says nothing about the manner in which these different types of data are displayed.

Like paragraphs [0040] and [0063], paragraph [0064] simply discloses different types of data (e.g., process monitoring data and the equipment monitoring data), different data sources (e.g., different applications, proprietary applications and financial applications) and different data formats (i.e., a format or protocol recognizable or useable by process control or alarming applications). And like paragraphs [0040] and [0063], paragraph [0064] says nothing about the manner in which the different types of data are displayed by the different applications.

Paragraph [0069] is only slightly more relevant than paragraphs [0040], [0063] and [0064] in that it mentions viewing raw or processed data, but it makes no mention about the format in which the data is viewed.

While the action concludes that Nixon et al. discloses “different types of applications display information differently,” this conclusion is not supported by the above portions quoted by the action. Indeed, the action’s assertion that Nixon et al. discloses “charts/graphs for financial information,” and “control information can display any type of function icon to invoke other displays.” This is not supported by Nixon et al. There is simply no mention of

charts or graphs for financial information in Nixon et al. To the extent Nixon et al. discloses icons, these appear to relate to the integrated display application 244, and not the data source applications. Accordingly, the action's conclusions are based solely on conjecture and without support from Nixon et al. In addition to Nixon et al. not disclosing data source applications that each present entity data in different viewing formats, an anticipation rejection cannot be maintained based on conjecture.<sup>1</sup>

The action further incorrectly asserts that Nixon et al. discloses converting disparate sources of data into a common display format. As an initial matter, this is not what is claimed. The claims recite a common display format that presents the data associated with each of the plurality of sections of the navigational tree. The claims do not recite converting the data source applications into a common display format. Nonetheless, the portions of Nixon et al. cited in the action, and particularly in the Response to Arguments, do not disclose or suggest a common display format for presenting entity data to be displayed in a same format without presenting a same type of entity data in multiple different display formats. Again, the action has cited and highlighted various portions of Nixon et al. relied upon as disclosing "a common display format," portions of which are cited below (see action pages 30-32, emphasis in original):

(paragraph [0065]): To overcome the limitation of limited or no access to data from various external sources, **the data collection and distribution system 102 is provided to collect data, convert that data if necessary into a common format or protocol that can be accessed and used by applications within the asset utilization suite 50 illustrated in FIG. 3.** In this manner, the applications within **the asset utilization suite 50 receive the different types of data from the different functional areas or data sources including the process control functional area 206, the equipment monitoring functional area 220 and the performance monitoring functional area 230, and integrates this data in any of a number of ways to the direct benefit of the operation of the plant 10.** The goal of the asset utilization suite 50 may be to

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<sup>1</sup> The action also claims that the applicants acknowledged that Nixon et al. discloses different viewing formats (see action, page 30), this is incorrect and taken out of context. The applicants simply noted that the integrated display application 244 of Nixon et al. presented data in different viewing formats depending on the particular application in the suite 50 of applications, and that the data came from different data source applications. The suite 50 of applications are distinct from the data source applications. The applicants' comments *did not* assert that the different viewing formats were how the various data source applications displayed the data. Accordingly, the applicants' comments were not an admission and cannot be relied upon as such.

produce a better view of the plant 10, enable better understanding of the overall condition of the plant 10, and allow better decisions to be made regarding the control or use of the plant 10 or the assets of the plant 10 based on all of the data in the plant and, overall, to run the plant 10 more optimally. **The integration of the different types of functional data may provide or enable improved personnel safety, higher process and equipment uptime, avoidance of catastrophic process and/or equipment failures, greater operating availability (uptime) and plant productivity, higher product throughput stemming from higher availability and the ability to safely and securely run faster and closer to design and manufacturing warrantee limits, higher throughput stemming from the ability to operate the process at the environmental limits, and improved quality due to the elimination or minimization of equipment related process and product variations.**

(paragraph [0069]): As illustrated in FIG. 3, **the asset utilization suite 50 may include or use an integrated display application 244 (which may be any or all of the interface applications 58 of FIG. 1) that displays different data to any user in an integrated or common manner.**

Paragraph [0065] simply discloses that the system converts the format of the data (e.g., the data format or protocol). Again, data format is not the same as display formats. Paragraph [0065] simply says nothing about the manner in which the data is displayed, much less that it is displayed in a common display format. The remaining highlighted portions of paragraph [0065] are simply irrelevant.

Paragraph [0069] discloses an asset utilization suite 50 that includes an integrated display application 244. However, the applicants have already explained in great detail that while at first glance the display application 244 appears to provide a common display format, upon closer review this is not the case. Nixon et al. discloses that the user interface routine 244 displays the data in a number of *different types of user screens based upon the application within a suite 50 of applications* being executed (see paragraph [0075]: “the user interface 244 can display any or all of a number of different types of user screens based on the application within the suite 50 being executed.”). In other words, the data from the plurality of data sources is presented in *different display formats* depending on the particular data source application being executed, and not in a *common display format*. A simple comparison of Figs. 8-16 of Nixon et al, which depict different displays produced by the GUI

of the user interface routine 244, demonstrates that the data is *displayed in different formats* depending on the application and/or level. For example, the display of Fig. 8 represents data associated with a unit 500 and the display of Fig. 12 represents data associated with the plant, where unit and plant correspond to different levels (see paragraphs [0130], [0131] and [0140]). However, the display format of the data for each level is clearly different, as seen by a plain comparison of the figures. This disclosure contradicts the action's assertion that Nixon et al. discloses a common display format, and this disclosure cannot be ignored.

Further, the action essentially concedes that the asset utilization suite 50 and display application 244 are not the recited display application that displays the entity data in a common format. Specifically, the action cites the asset utilization suite 50 and the display application 244 as the recited data source applications that present the entity data in different display formats (see action, pages 29 and 30 citing paragraph [0069]). As a consequence, the asset utilization suite 50 and display application 244 cannot also be relied upon for disclosing a display application that presents the same entity data in a common display format. Conversely, if the asset utilization suite 50 and the display application 244 are relied upon as disclosing a display application that presents the entity data in a common display format, then the same cannot be relied upon for disclosing data source applications having display applications that present the entity data in different display formats. To do otherwise is antithetical to the plain language of the claims.

As a result, while Nixon et al. discloses integrating data from multiple data sources and displaying the integrated data, Nixon et al. does not further disclose presenting entity data associated with selected sections of a navigational tree specifying different categories of entity data in a common format in a display view in the same format without presenting the same type of entity data in multiple different display formats, where the data source applications that collect or generate the entity data present the entity data in different viewing formats. Instead, Nixon et al. discloses presenting entity data associated with different levels in different formats and presenting entity data from the plurality of data sources in *different formats* depending on the particular application.

Still further, Nixon et al. does not disclose *both* a navigational tree and a display view, much less that entity data associated with a selected section of the navigational tree is

presented in the display view. In particular, the portions of Nixon et al. cited in the action, and particularly in the Response to Arguments, are generally inapplicable and irrelevant to this feature. Rather than recite all the passages, the applicants discuss each one as follows.

As previously noted, paragraph [0065] simply discloses that the system converts the format of the data (e.g., the data format or protocol). Paragraph [0065] also discloses that the asset utilization suite 50 receives and integrates the different types of data. There is no mention of both a navigational tree and a display view.

Paragraph [0069] simply discloses an asset utilization suite 50 that includes an integrated display application 244. It does not disclose that the display application 244 displays both a navigational tree and a display view.

Paragraphs [0088] and [0094]-[0096] disclose a display 350 that includes a hierarchical navigation tool, but it does not further disclose the recited display view. The display 350 is shown in Figs. 5A and 5B. However, the displays of Figs. 5A and 5B do not include a display view that display entity data of a selected section of the hierarchy 350. The plain language of independent claims 1 and 24 recite a display that includes **both** a navigational tree and a display view.

Accordingly, while individual aspects of Nixon et al. may appear to disclose the various features of independent claims 1 and 24, Nixon et al. does not disclose the same arrangement of the features as provided in independent claims 1 and 24, because there is no aspect of Nixon et al. that corresponds to the recited display of both a navigational tree having sections specifying different categories of entity data and a display view, and no aspect of Nixon et al. that corresponds to the recited different viewing formats of data sources or the common viewing format of the display application. It is clear that MPEP 2131 requires that a claim can only be anticipated if each and every element as set forth in the claim is found in a signal prior art reference. (See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). MPEP 2131 further requires that the elements must be arranged as required by the claim. (See *In Re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, none of claims 1, 2, 4, 5, 7-10, 15, 17, 19, 22-25, 27, 28, 30-34, 36, 42 and 43 are anticipated by Nixon et al., because Nixon et al. does not disclose each of the features as arranged in each of the claims. It therefore

follows that Nixon et al. cannot render any of claims 3, 6, 11-14, 16, 18-22, 26, 29, 35, 37-40, 41 and 44 unpatentable either alone or in view of one of Spriggs et al., Kall et al. or Latzel, particularly given that none of these references have been relied upon as disclosing the above-discussed features.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Two (2) independent claims remain in the application as previously paid for, and forty-four (44) total claims remain in the application as previously paid for. This response is being filed with a one-month extension of time and a Request for Continued Examination, along with the required fees. The applicants believe no additional fee is due. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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